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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,793	06/07/2001	Kang Soo Seo	46500-000610/US	9026
30593 7590 06/10/2011 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
SHELEHEDA, JAMES R				
ART UNIT		PAPER NUMBER		
2424				
MAIL DATE		DELIVERY MODE		
06/10/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/876,793

**Applicant(s)**

SEO ET AL.

**Examiner**

JAMES R. SHELEHEDA

**Art Unit**

2424

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 51-59 and 66-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-59 and 66-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notices of Informal Patent Application.
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 51-59, 66-68 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 51, 54, 57, recite "second size information indicating a data size of a data block into which the thumbnail picture is stored" which is not supported by applicant's specification as originally filed. There is no specific disclosure within the originally filed specification of second size information indicating a data size of a data block into which the thumbnail picture is stored.

(referencing the PGPUB US 2001/0052127 A1) Fig. 8 indicates the structure of the menu data stream for VSB modulated transmission. In this scenario, the Menu\_P\_HOB\_SA#1 And Menu\_P\_HOB\_EA#1 indicates the starting and ending address of the **first picture in the menu page** (1<sup>st</sup> Picture for Menu Page #1, Fig. 8). Each "HOB" is defined as including the data for a single menu picture (Fig. 8, paragraph 50). Each menu page includes plural separately stored and accessed menu pictures

(paragraph 52-55). The start and end address information refers to the start and end of individual thumbnails.

Fig. 10 indicates the structure of the menu data stream for IEEE 1394 transmission. In this different scenario, the Menu\_P\_HOB\_SA#1 And Menu\_P\_HOB\_EA#1 indicates the starting and ending address of the ***first menu page*** (Menu Page #1, Fig. 10), not an individual thumbnail. Each "HOB" is defined as including the data for an entire single menu page (Fig. 10, paragraph 58-59). Each menu page is shown via I-pictures and P-pictures representing the entire menu page (paragraph 58-60).

There is absolutely no disclosure second size information indicating "a data size of a data block into which the thumbnail picture is stored", as the "second size information" is disclosed for a different embodiment indicating entire menu pages and is not related to individual thumbnail images whatsoever.

Furthermore, there is no specific support for the limitation "wherein the selected thumbnail picture includes an intra-code picture and one or more predictive code pictures" in a system storing "second size information". In the second disclosed method, referring to IEEE 1394 transmission, the "second size information" refers to the menu page, not individual thumbnail images. In this method, an I-picture of the menu page is provided, not an I-picture of a thumbnail image (paragraph 52-55).

Independent claims 51, 54, 57, recite "wherein data recorded between thumbnail pictures is treated as padding data based on the first size information and the second size information" which is not supported by applicant's specification as originally filed.

The "first size information" corresponds to the size of the individual thumbnails based upon their starting and ending addresses (as seen in Fig. 8).

The "second size information" corresponds to the size of the entire menu pages based upon their starting and ending addresses in a separate embodiment (as seen in Fig. 10).

The specification merely indicates that null data may be inserted between object units (see Fig. 8, 10 and paragraph 52-53 and 58-59). There is no specific disclosure of the "treatment" of the padding data being relating to any "size" information. The insertion of the padding data occurs immediately after the end address of a thumbnail, regardless of the "size" of any particular thumbnail image.

Further, as Fig. 8 and Fig. 10 refer to completely separate embodiments, of storing individual thumbnails vs. whole menu pages, it is unclear how the recording of the padding data would be based upon both the first and second size information.

As seen in Fig. 8, the recording of the padding data between two thumbnail images for VSB modulated transmission would not be "based" on the second size information whatsoever, as the second size information refers to the address information of menu pages for IEEE 1394 transmission.

***Response to Arguments***

3. Applicant's arguments filed 05/12/11 have been fully considered but they are not persuasive.

In response to applicant's arguments regarding the first and second size information, as indicated in the rejections, there is no support within applicant's originally filed disclosure for second size information "indicating a data size of a data block into which the thumbnail picture is stored".

Regarding a "first size information", Fig. 8 indicates the structure of the menu data stream for VSB modulated transmission. In this scenario, the Menu\_P\_HOB\_SA#1 And Menu\_P\_HOB\_EA#1 indicates the starting and ending address of the **first picture in the menu page** (1<sup>st</sup> Picture for Menu Page #1, Fig. 8). *Each "HOB" is defined as including the data for a single menu picture* (Fig. 8, paragraph 50). Each menu page includes plural separately stored and accessed menu pictures (paragraph 52-55). The start and end address information refers to the start and end of individual thumbnails. In this scenario, null data may then be inserted between the thumbnail images (Fig. 8, paragraph 52).

Regarding a "second size information", Fig. 10 indicates the structure of the menu data stream for IEEE 1394 transmission. In this different scenario, the Menu\_P\_HOB\_SA#1 And Menu\_P\_HOB\_EA#1 indicates the starting and ending address of the **first menu page** (Menu Page #1, Fig. 10), not an individual thumbnail. *Each "HOB" is defined as including the data for an entire single menu page* (Fig. 10, paragraph 58-59). Each menu page is shown via I-pictures and P-pictures representing the entire menu page (paragraph 58-60). Thus, the single I-Picture for the menu page

is representative of all of the individual thumbnails images. In this scenario, null data may then be inserted between the individual menu pages (Fig. 10, paragraph 58).

Thus, the "second size information" is indicating the size of a single *menu page*, based upon the starting/ending address of that particular menu page, as is not referring to the same thumbnail images as the "first size information". These 2 types of "size information" are merely representative of two separate ways to store the thumbnail images, either individually stored with null packets between them (as in Fig. 8), or combined into a single I-picture menu page (as in Fig. 10), depending on the transmission scheme to be used.

Furthermore, as indicated in the rejection, there is no specific support for the limitation "wherein the selected thumbnail picture includes an intra-code picture and one or more predictive code pictures" in a system storing "second size information". In the second disclosed method, referring to IEEE 1394 transmission, the "second size information" refers to the menu page, not individual thumbnail images. In this method, an I-picture of the menu page is provided, not an I-picture of a thumbnail image (paragraph 52-55).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. SHELEHEDA whose telephone number is (571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571) 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES R SHELEHEDA/  
Primary Examiner, Art Unit 2424

JS